

Message

From: Gaines, Jeff [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C0CE5613E3C245B09C6CCAD71CF3062A-JGAIN02]
Sent: 1/18/2018 6:00:28 PM
To: Shuster, Kenneth [Shuster.Kenneth@epa.gov]
Subject: FW: Appeal re FOIA FOIA-EPA-HQ-2017-004815
Attachments: FOIA-obod-4815-jan2018.docx

Importance: High

FYI

Thanks!

Jeff Gaines

Phone: 703-308-8655

"The most exciting phrase to hear in science, the one that heralds the most discoveries, is not "Eureka!" (I found it!) but 'That's funny.'" — Isaac Asimov

"Dulce et Decorum Est Desipere in Loco" — Josiah S. Carberry

From: Gaines, Jeff
Sent: Thursday, January 18, 2018 9:09 AM
To: Gerhard, Sasha <Gerhard.Sasha@epa.gov>
Subject: FW: Appeal re FOIA FOIA-EPA-HQ-2017-004815
Importance: High

Sasha,

Here's the stuff . . .

FOIA -

<https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d2811e145b>

Response: attached Word document

Appeal is below -

Thanks!

Jeff Gaines

Phone: 703-308-8655

"The most exciting phrase to hear in science, the one that heralds the most discoveries, is not "Eureka!" (I found it!) but 'That's funny.'" — Isaac Asimov

"Dulce et Decorum Est Desipere in Loco" — Josiah S. Carberry

From: Ward, Valerie
Sent: Wednesday, January 17, 2018 2:56 PM
To: Gaines, Jeff <Gaines.Jeff@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>
Subject: FW: Appeal re FOIA FOIA-EPA-HQ-2017-004815
Importance: High

Please see message below.

From: McLendon, Wanda
Sent: Wednesday, January 17, 2018 2:41 PM
To: Ward, Valerie <Ward.Valerie@epa.gov>
Subject: FW: Appeal re FOIA FOIA-EPA-HQ-2017-004815
Importance: High

Valerie,

Deliberative Process / Ex. 5

Wanda Y. McLendon

Management Analyst
U.S. Environmental Protection Agency
Office of Land and Emergency Management
Organizational Management and Integrity Staff
William J. Clinton EPA West, Room 4139-C
(202) 566-1917
[Follow OLEM](#) on Twitter @EPALand

From: Abrahm Lustgarten [<mailto:Abrahm.Lustgarten@propublica.org>]
Sent: Wednesday, January 17, 2018 2:31 PM
To: McLendon, Wanda <McLendon.Wanda@epa.gov>
Cc: FOIA HQ <FOIA_HQ@epa.gov>
Subject: Appeal re FOIA FOIA-EPA-HQ-2017-004815
Importance: High

Dear Wanda and FOIA administrators,

I am writing to appeal, in part, your response to my below-referenced FOIA number EPA-HQ-2017-004815, as your response is incomplete.

The EPA declined to respond to my request for correspondence between and among EPA offices regarding the issue of open burn and open detonation. In your letter you state that you asked for clarification of scope and I did not respond. Could you please provide a copy of that correspondence? I believe that the scope and request is clear, and am left to believe from the internal staff who handle these issues that the resulting information should not be so voluminous as to be difficult to provide.

In any case, I have sought to follow up on the status of this request several times with you over the past few months and was not told that a response was awaiting further clarification from me. I have also provided my phone number and been contacted by EPA staff regarding questions with a number of other FOIA requests, but I did not receive a call with any questions or concerns about the scope of this request.

I'd therefore like to request again that my questions be answered according to FOIA statute, that correspondence among the relevant offices named in my request concerning OBOD issues be disclosed, as well as correspondence about this topic with the administrator's office directly.

Regarding the remainder of the response provided for this request, I am willing to amend the request so as to now exclude my request for data concerning permitted sites for OBOD by the EPA, as I will not be able to use that data now and wish to save your time. However, I'd like to note that I do not believe the online data you reference in your response is not complete and does not provide an answer to my initial request. I have been leaked internal EPA documents accounting for data representing these sites and the number of sites that is substantially different from the database information made available in RCRA Info and other online EPA resources. That is the reason for my initial request for the information.

Please contact me with any questions.

And thank you for reconsidering how the EPA responds to my request.

Abrahm Lustgarten
Senior Reporter, ProPublica
917-589-1262

From: "McLendon.wanda@Epa.gov" <McLendon.wanda@Epa.gov>
Date: Wednesday, January 17, 2018 at 4:33 AM
To: Abrahm Lustgarten <Abrahm.Lustgarten@propublica.org>
Subject: Letter for Lustgarten

01/17/2018 07:32 AM
FOIA Request: EPA-HQ-2017-004815